



March 25, 2002

Ms. Glenda Ruggles  
Communications Manager  
Kingsville Police Department  
P.O. Box 1458  
Kingsville, Texas 78364

OR2002-1480

Dear Ms. Ruggles:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 160237.

The Kingsville Police Department (the "department") received a request for information regarding the criminal charges filed against eleven named individuals. The requestor also seeks the mailing addresses of these eleven individuals. You state that you have explained to the requestor that you need additional information in order to comply with his request, but that the requestor has insisted that you seek a ruling from this office with respect to his request.

Section 552.222(b) of the Government Code provides that if a governmental body is unable to determine the nature of the records being sought, it may ask the requestor to clarify the request so that the desired records may be identified.<sup>1</sup> This office previously has held that a request "must sufficiently identify the information requested and an agency may ask for a clarification if it cannot reasonably understand a particular request." Open Records Decision No. 23 at 1-2 (1974); *see also* Open Records Decision Nos. 663 at 4 (1999), 304 (1982). The purpose of section 552.222 is to authorize a dialogue between the governmental body and the requestor regarding the scope of the records request.<sup>2</sup> Open Records Decision

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<sup>1</sup>Section 552.222(b) also provides that "[i]f a large amount of information has been requested, the governmental body may discuss with the requestor how the scope of a request might be narrowed[.]"

<sup>2</sup> Section 552.222(b) also limits the nature of the inquiries by the governmental body to those regarding the requested documents themselves. This section prohibits the governmental body from inquiring into the purpose for which the requestor seeks the records.

No. 663 (1999). If a requestor makes a vague or broad request, the governmental body should make a good faith effort to advise the requestor of the type of documents available that may be responsive so that the requestor may narrow or clarify the request. *See id.* at 5.

Although the department has a good faith duty to relate a request to information held by it, Open Records Decision No. 561 at 8 (1990), it is not clear to this office that the department has made such an effort in this instance. *See* Attorney General Opinion JM-672 (1987) (indicating that a minimal computer search may be required for existing information in computers). However, we will assume for purposes of this ruling that the department has made a good faith effort.

You state that the department needs additional information in order to be able to process the present request. You indicate that you asked the requestor to clarify his request for information. Therefore, the ten-business-day time period to request a decision under section 552.301(b) with respect to the request was tolled on the day you sought clarification of the request from the requestor. *See* Gov't Code § 552.301(b); Open Records Decision No. 663 at 5 (1999) (providing that ten-day period is tolled during the clarification process). You indicate that the requestor has not yet clarified his request for information. Thus, the department need not respond to the request until it receives the requestor's clarification. We note, however, that when the department receives the clarification, you must seek a ruling from this office before withholding any of the information that may be responsive to the request. *See* Open Records Decision No. 663 (1999).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public

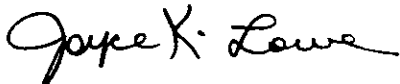
records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Joyce K. Lowe  
Assistant Attorney General  
Open Records Division

JKL/KAE/sdk

Ref: ID# 160237

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